

APPROVED 04/22/2010

At 6:10 pm Chairman Hunter called the meeting to order in the basement meeting room at the Fremont Town Hall. Present were Selectmen Brett Hunter, Greta St Germain, and Annmarie Scribner; Town Administrator Heidi Carlson; and Jay Somers from Comcast.

Selectmen reviewed mail folders and accounting records for the week.

At 6:15 pm Selectmen met with Jay Somers from Comcast.

A discussion began with Somers, including some background for the two newest Board members. Somers said that the Town and Comcast began negotiating in July 2007 with a Study Committee, and this included a strong desire to have a Fremont channel and broadcast capability from three separate locations in Town (Town Hall, Ellis School, Public Library). This would allow live broadcast from the three locations, and included the Town owning and operating the channel. The Committee had presentations from vendors to also provide the information on what equipment and hardware needed to be bought to run it.

Somers said there were provisions in the license about building the new return line, needed to get live broadcast to the head end in Exeter. The Contract was finalized and signed in February 2009 by the Board of Selectmen.

Franchise fees were established to pay for this work, as well as cabling of Old Ridge Road (not previously cabled); and re-engineering of areas of Fremont not on a Fremont feed (at the Sandown line and at the Epping/Raymond line).

Somers went on to say that in April 2009, following the failed Town Meeting vote to establish a revolving fund, he was asked to hold onto, in escrow, the franchise fees collected to date, and hold it in escrow. He said that Comcast agreed to this, with a Memorandum of Understanding drafted and signed at the time.

He further said that he had talked to Carlson a few weeks ago about the franchise fee money and the return line, which was due to begin construction. Somers said that he did not believe Comcast would want to hold on to this money for another year.

In response to the questions raised about how much money is in the fund, Somers said that for the three eligible quarters (2, 3, and 4) of the 2009 calendar year that \$45,707.39 had been collected, and the first quarter of 2010 had collected \$9,966.85; for a total to date of \$55,674.

Somers said the idea was that Comcast would build the return line, which has the capacity to operate up to 2 channels from the three locations, and that newest return line estimate is \$60,000.

There was discussion about the Town's inability to accept and expend cable franchise fees for their designated purpose without having a revolving fund (or some other legal appropriation line item). The Town could accept and expend an unanticipated gift or grant, but it is not clear that this would qualify under that provision of the statute.

Somers said that if they build the return line from what is owed to the Town, it is possible to deduct that amount and pay the Town the balance. There was discussion about the Town's legal inability to accept and expend funds without an appropriation, and how to work toward the goal of obtaining public access within the limitations.

Depending on what is chosen, another addendum to the license may be needed.

Somers said we are undertaking a big process to construct the return line with three drops in Town. There was discussion about the original estimate for that return line (of approximately \$30,000); and Somers said that two lines and three drops increased the cost to the current \$60,000 estimate.

He said that when the second channel was added it increased the cost substantially. He said he thought the actual cost would come in at \$40,000 to \$50,000. He said with a couple more quarters of franchise fees collected, that the costs could be covered, to include the estimated \$10,000 to purchase the necessary equipment (cameras, etc).

Somers said that if the Town wants to do this for less, there is a possibility to scale back to one channel; and remove locations. After further discussion, Somers said he would ask for an estimate to construct just one line (for one channel); and with fewer drop locations to include only the Town Hall and Ellis School.

Selectmen discussed at length the process and how to re-involve the community in this decision. It is difficult to read from the Town Meeting votes how many people may be in favor of having public access and whether yes and no votes were a reflection of how people feel about cable access versus how they feel about spending money, and whether there is an understanding of this not being a tax impact appropriation.

Somers said the Town would need a room about the size of the Planning and Zoning Secretary's office, which is secure, to house the necessary equipment. This was going to be part of the basement renovation project, which is also on hold at the present time.

Comcast does not want to hold on to the money any longer, and the Town will need to make some decisions about what to do next.

There was discussion that we are now into Phase II of cable access, and it will be quite an extensive project to get the channel up and running. Somers discussed some of how this would happen, including who will run it, how will programming be done, and a variety of other questions.

Somers said that his experience is that if the channel is not active and up to date, it will not happen effectively. People will want it active and to see programming, and have all kinds of meetings, notices, and up to date and reliable information on it.

Following further discussion, Somers said he will get updated pricing as discussed, to go back to one line and two locations. He will forward this information to the Board once obtained.

There was discussion about a question from Keith Stanton about the franchise fee recently increased by 10 cents per month. Somers explained that it goes up based on the amount of each person's monthly bill. It is not a fixed cost; and goes up based on bottom line of your bill. Thus if you rent movies in any given month, that the amount of the bill, and thus the franchise fee, will increase as it is based on a percentage.

There was discussion in relation to another question, about franchise-related costs. Somers explained that this is an error on the bill, and was related to the cable original contract. He said that the two cents on the bill will go away at the end of April and the Town will be reimbursed for the months it was billed in error. Somers said this was supposed to be stopped in 2008 but it was not removed from the bill. Once the amount is calculated, Comcast will send a refund to the Town.

Other questions emailed by Keith Stanton included whether Comcast was changing their name. Somers replied that they are re-branding themselves for their technical platform. Currently they sell Comcast

video, Comcast digital voice and Comcast Internet service. They are changing it to Xfinity video, digital voice, and Internet with a slow rollout over the next several months. He said we would see it here in six months. All logos will be changed to say Xfinity, a Comcast Company.

There was lengthy discussion about whether or not people want cable access and how to make a determination about what the Board's next step should be. Some of the former study committee members are no longer in Fremont, and the Board considered holding a public hearing to gather input for making a decision.

Somers suggested that an easier option might be to do our own channel with some insertion, which would include buying some equipment and having the ticker line run much of the time. There was some discussion about what we could do with our own channel and no return line, including something similar to what is being done now with meeting rebroadcast and the informational ticker.

Somers said that the franchise fee remains in place as long as the Town wants it to, and if it ends up too much of a burden on the subscriber and it is not doing what it was intended, it can be reduced or removed all together.

Selectmen asked about a timeframe for a decision and Somers said within 60 days he would want to know the direction.

In closing, Somers will get the updated costs to run a return line with one channel and drops at Town Hall and Ellis School; and will also call around and find out what the Town would need to have their own channel w/insertion of taped programming and bulletin board type information. He said from there, the Board could make a decision on how to proceed. Somers will also check on the other outstanding items; including Old Ridge Road and the re-engineering areas.

Somers left the meeting at 7:15 pm.

There were no Department Heads present.

Selectmen discussed further the options to consider regarding cable access. It was decided to advertise and hold an Informational Public Hearing for cable access at 7:30 pm on Thursday May 13, 2010; and have Carlson write a newsletter article for the Board's review next week.

OLD BUSINESS

1. Selectmen reviewed the minutes of 08 April 2010. St Germain moved to approve the minutes for 08 April 2010 as amended. Hunter seconded and the vote was approved 2-0-1 with Scribner abstaining.
2. Selectmen adopted and signed the finalized Fraud Policy for distribution.
3. Selectmen received a report from the Treasurer, which was reviewed. Selectmen had questions, which will be forwarded to Kimberly Dunbar.
4. In follow-up to the question posed last week, research of Planning Board records by Meredith Bolduc revealed that the Planning Board had not required Seacoast United Soccer to put up engineering monies as originally discussed. Bolduc indicated that Seacoast United had paid \$1,000 to the engineering firm working for them, for some plan work, but that nothing further had come from it.

5. Carlson advised that there is a mandatory workshop (for reporting purposes on the Federal Grants) regarding the recently awarded Energy Committee grants. Selectmen wanted someone from the Committee to attend the workshop, and as a fallback alternative, perhaps Thom Roy could attend.

At 7:50 pm Selectmen met with Road Agent Mark Pitkin.

Pitkin said that the windshield and windows needed replacement in the Town's one-ton truck due to the location and setup of the front plow. Pitkin said this was the second time the windshield had been damaged.

Pitkin is going to get a price on replacing the foil so that it won't happen again. There was discussion about whether or not this could be filed with the Town's insurance carrier as damage and what the deductible might be. Carlson will check on this.

Pitkin said that he wants to get pricing on a sander for the one-ton truck. He felt it should have a sander in it, to save on some of the time and expense of the big trucks going out for isolated incidents. He said he would bring this pricing information back to the Board at a future meeting.

Pitkin then said that he had spoken with a local contractor about the repairs needed at the Highway Shed, and had been approached with the idea of doing something with a door on the existing building to close it in for a maintenance building and converting the whole building to a garage and build a pole barn for sand and salt storage.

Two Highway Screening Project Proposals received by the deadline were opened and read aloud:

Britton's Landscaping & Excavation - \$1,250 in exchange for the materials on site

Pitkin Construction - \$0 in exchange for the materials on site

St Germain moved to accept the proposal from Pitkin Construction as the lowest bid. Scribner seconded and the vote was unanimously approved 3-0. Pitkin thought he would do this work on a weekend coming up.

There was brief discussion about Shirkin Road, and the Board reviewed a letter from Costas and Sharon Tonas regarding turning Shirkin Road to dirt. A future meeting will be set up to review this further.

Pitkin said he was working on pricing for Beede Hill Road.

With nothing further, Pitkin left the meeting at approximately 8:20 pm.

OLD BUSINESS CONTINUED

6. Selectmen discussed relocating the Treasurer's office to the Town Hall. The Board said that their purview of internal controls included having the Treasurer's Office and records at the Town Hall, and felt it was a security measure that needed to be undertaken as soon as possible.

There was discussion about backups of the Town's information on a nightly basis, and where to take budgeted funds from to purchase another computer for the Treasurer to use.

It was suggested by Scribner to overspend the appropriate line item for the computer purchase and see where it could be offset by savings nearer to year end.

The Board discussed one of the Selectmen's main responsibilities of being the overseers of the finances of the Town. They "hold the purse strings" of the Town and are responsible for internal controls of the Town and all of its records.

The Board would like to meet with Treasurer Kimberly Dunbar as soon as possible and set a timeline of June 1 to get her records and workspace to the Town Hall. Several locations were discussed, leading into a discussion of the other offices that would need to be relocated and how space needs would be accommodated.

Selectmen suggested that Carlson talk with the Town's computer consultant about taking an inventory of what we have and suggest a plan of action to put things onto a main server, and have that then stored off site.

The Board directed Dunbar to be contacted about coming in next week to begin discussions.

7. Carlson advised that the 2009 Audit would take place next week, April 19-21. In response to the Auditor's not being able to meet with the Board on Thursday April 22, an alternative time was set up for 5:00 pm on Monday April 19, 2010. Scribner and St Germain will be present for the meeting. Carlson posted this tonight.

8. Carlson provided updates to the Board on the FEMA declaration for the first storm, between February 23 and March 3, 2010. A debrief session was held on Monday and Fremont has registered for reimbursement for the first declaration.

NEW BUSINESS

1. Selectmen reviewed the payroll \$21,944.71 and accounts payable manifests \$540,868.37 for the current week dated 04/16/2010. Motion was made by Scribner and seconded by St Germain to approve the payroll manifest of 21,944.71. The vote was unanimously approved 3-0. Scribner then moved to approve the accounts payable manifest of \$540,868.37. St Germain seconded and the vote was unanimously approved 3-0.

2. Selectmen reviewed the folder of incoming correspondence.

3. There was no sign outgoing correspondence.

4. Selectmen reviewed the two proposals received for the Revaluation work. Bids were due on April 13, 2010 and had been reviewed by Joe Lessard of MRI following the submission deadline on Tuesday.

The proposals included:

J F Ryan and Associates \$75,000
Vision Appraisal \$57,500

With all in order for the lowest proposal, Scribner moved to accept the proposal from Vision Appraisal for \$57,500. St Germain seconded and the vote was unanimously approved 3-0.

5. Carlson reviewed with the Board a letter from Torromeo Industries regarding a bond release for monies posted in 2002 on the Mason's Corner Subdivision. The letter requested release of these funds. Carlson did extensive research through the subdivision files to find information indicating that the funds

(\$17,575 in total) had been posted for a two-year maintenance bond and to secure punch list items. Engineering letters indicate that the punch list work had been done.

Given the time elapsed and the impossibility of reviewing the situation now for work more than eight years old, the Board approved release of the funds to Torromeo, less the Treasurer's administration fee for the pertinent time, and the Town's 10% subdivision administration fee.

6. Selectmen reviewed a Yield Tax Warrant in the amount of \$81.70. The warrant and certification pages were moved for approval by Scribner and seconded by St Germain. The vote was approved and Selectmen signed it and forwarded it to the Tax Collector.

7. Selectmen reviewed the FAA Concession Stand Agreement, amended by the Parks & Recreation Commission to cover the month of April 2010. The Board signed the form as it has been approved by Jon Benson on behalf of the Parks & Recreation Commission.

In a separate email, the FAA has requested permission to use a fryer in the concession stand. They have been advised by the Health Officer of how to proceed with this request, and it has been suggested that this use would need to be clarified with their insurance carrier as well.

8. Selectmen reviewed an Intent to Cut for parcel 06-060 owned by Hjalmer Anderson (for storm blowdown); after having been advised by the State Forester to submit one. The Board signed the Intent.

At 9:30 pm motion was made by St Germain and seconded by Scribner to enter non-public session pursuant to NH RSA 91-A:3 II (e) to discuss a legal matter. The roll call vote was unanimously approved 3-0.

Selectmen reviewed a pending legal matter. No decisions were made.

At 9:40 pm motion was made by Hunter and seconded by Scribner to return to public session. The roll call vote was unanimously approved 3-0.

NEXT WEEK

The next regular Board meeting will be held on Thursday April 22, 2010 at 6:00 pm. The Highway Study Committee meets on Monday April 19, 2010; and the Budget Committee meets next week, on Wednesday April 21, 2010.

With no further business to come before the Board, motion was made by Scribner and seconded by St Germain to adjourn the meeting at 9:45 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator